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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,547	11/28/2003	Hoi-Sing Kwok	016660-189	8365

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BUCHANAN, INGERSOLL & ROONEY PC  
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EXAMINER

CALEY, MICHAEL H

ART UNIT PAPER NUMBER

2871

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/722,547

**Applicant(s)**

KWOK ET AL.

**Examiner**

Michael H. Caley

**Art Unit**

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1, 2, 4 and 6-14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 15, 16 is/are allowed.
- 6) ☒ Claim(s) 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Claim Rejections - 35 USC § 112***

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Item (b) of claim 3 is inconsistent with the elected embodiment. In order to be consistent with the elected embodiment in which  $\gamma$  is  $30^\circ$ , the claim language should read "the output polarizer angle  $\gamma$  is at an angle of the twist angle of the liquid crystal cell minus  $45^\circ$ ". Given that the elected embodiment comprises a twist angle of  $75^\circ$ , subtracting  $45^\circ$  would result in a  $\gamma$  of  $30^\circ$ .

ELECTED EMBODIMENT / PROPOSED CLAIM LANGUAGE

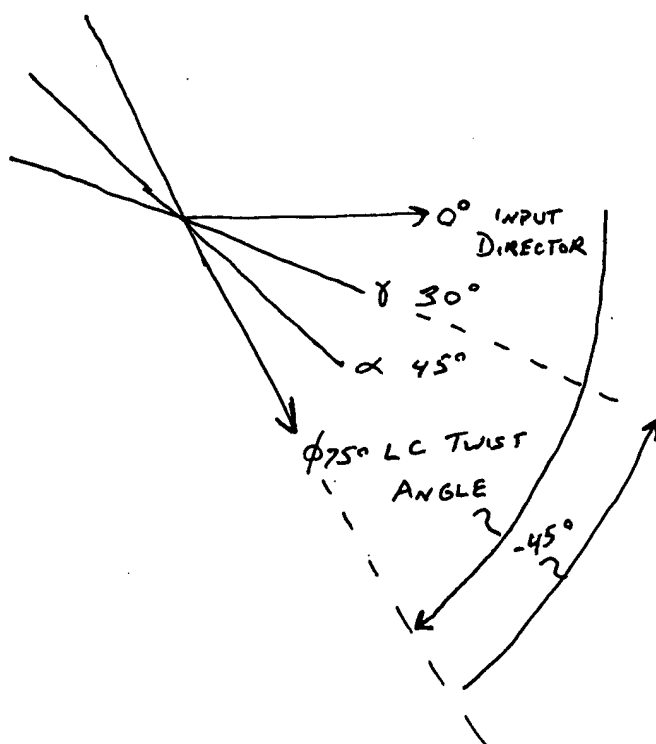
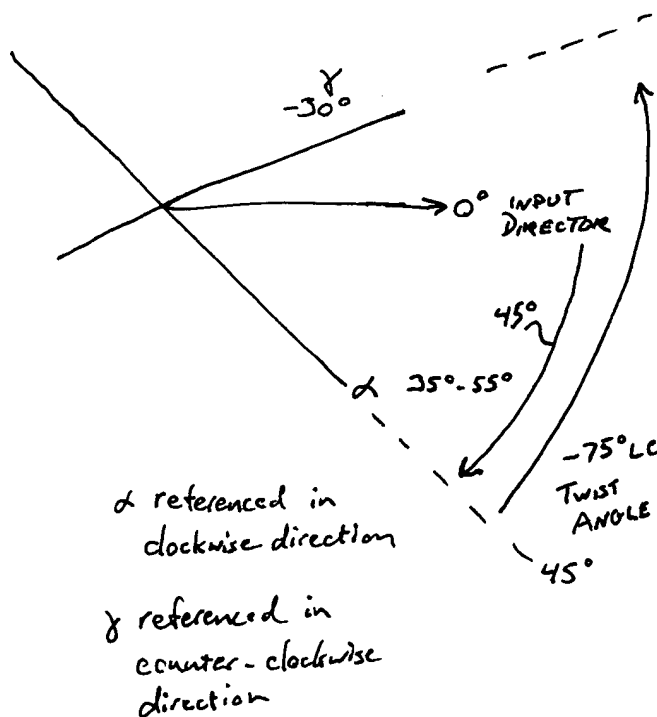


DIAGRAM CLAIM 3  
AS PRESENTLY  
CLAIMED



Presently, the claim language implies  $\gamma$  as  $-30^\circ$ . On Page 2 of the response filed on 10/11/06, Applicant states "It is respectfully submitted that the claims encompass either direction of rotation. The particular direction of rotation is not relevant. As long as one uses a *consistent* reference direction for all measurements, whether clockwise or counter-clockwise, the results would be the same" (emphasis added in italics). When the component angles are diagramed as shown above according to claim 3, the component angles cannot be arranged according to a single *consistent* reference direction as claimed.

On page 2 of Remarks, Applicant states "In response to the question presented in the Office Action, the angle values presented in the specification represent absolute values." While the examiner accepts that the claimed values may encompass either direction, the angle values presented in the specification cannot represent absolute values. Embodiments 3 and 8 (pages 9 and 11) each contain negative figures for angle values. By definition, an absolute value cannot be negative. The examiner does acknowledge, however, that an angle value can be referenced as clockwise or counter-clockwise so long as the reference direction is consistent for all angles.

#### ***Allowable Subject Matter***

Claims 5, 15, and 16 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to disclose or suggest a liquid crystal display having a liquid crystal cell input director, input polarizer transmissive axis, and output polarizer transmissive axis

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oriented in relation to one another as proposed in which the liquid crystal cell has the proposed twist angle and product of cell gap and birefringence.

***Response to Arguments***

Applicant's remarks filed 10/11/06 have been fully considered and are helpful in ascertaining the scope of each of claims 5, 15, and 16. They are not persuasive, however, to overcome the rejection of claim 3, as discussed above.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael H. Caley whose telephone number is (571) 272-2286. The examiner can normally be reached on M-F 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael H. Caley  
December 21, 2006

  
mhc

  
ANDREW SCHECHTER  
PRIMARY EXAMINER